

REMARKS

Entry of this Amendment is proper under 37 C.F.R. § 1.116 because the Amendment places the application in condition for allowance for the reasons discussed herein, and does not raise any new issues requiring further search and/or consideration. Entry of the Amendment is thus respectfully requested.

Claims 54-98 are currently pending. Applicants note with appreciation that claims 54-86 and 98 are free of the art, as indicated in the Office Action Summary.

Claims 87 and 88 are amended herein. As the claims are amended to remove subject matter and to recite the administration of the peptide to a patient in need thereof an amount effective to reduce infections or inflammations, as already recited in the claims preambles, Applicants submit that no new matter is submitted by way of the present Amendment. Applicants reserve the right to file at least one continuation or divisional application directed to any subject matter deleted by way of the present Amendment.

Drawings

As requested in the outstanding Office Action, Applicants resubmit copies of figures 2, 4A and 4C, which were previously rendered unreadably by Patent Office date stamps.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 87-97 stand rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for a method of treating inflammations or infections comprising administering a lactoferrin peptide comprising SEQ ID NO:99, wherein SEQ ID

NO:38 is excluded, purportedly fails to provide enablement for a method of preventing inflammations or infections comprising administering a lactoferrin peptide comprising SEQ ID NO:99, wherein SEQ ID NO:38 is excluded.

Without acquiescing in the rejection, Applicants have amended claims 87-88 herein to remove the recitation of “or preventing”. Thus, claims 87-97 now recite subject matter which the Examiner indicates is enabled in the outstanding Office Action, *i.e.*, a method of treating inflammations or infections comprising administering a lactoferrin peptide.

Thus, this rejection is mooted, and Applicants respectfully request that it be withdrawn.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 87-97 stand rejected under 35 U.S.C. § 112, second paragraph, as purportedly indefinite, as the claim purportedly lacks an essential step in the method of treating or preventing infections or inflammations. Claims 87 and 88 are amended herein to recite an endpoint method step, as requested by the Examiner. Specifically, claims 87-88 are amended to recite the administering of the peptide to a patient in need thereof an amount effective to reduce infections or inflammations, as suggested by the Examiner. In light of the amendments to claims 87-88, Applicants request that this rejection be withdrawn.

CONCLUSION

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.


In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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